IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.509 OF 2006

IN

APPEAL FROM ORDER (STAMP) NO.13629 OF 2006

IN

S.C.SUIT (STAMP) NO.3081 OF 2004

Mr.Deepak S/o.Kamal Mukut ...Applicant

Versus

Special Recovery Officer & Anr. ...Respondents

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Mr.A.M.Saraogi for Applicant.

Mr.A.A.Pande for Respondent No.2.

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CORAM: A.M.KHANWILKAR, J.

JUNE 19, 2006.

P.C.

1. Heard Counsel for the parties. Perused the pleadings. Counsel for the Respondent No.2 who is the contesting Respondent submits that having regard to the conduct of the Applicant, even assuming sufficient cause has been made out in condoning the delay, this Court should be slow in

allowing the Application.

2. I find no substance in this argument. The argument which is pressed into service by the Respondent that the Applicant was required to take recourse to some other proceedings instead filed present Suit, may be relevant for considering Appeal and not for considering Application for condonation of delay.

3. So far as application for condonation of delay is concerned, in my opinion, sufficient cause has been made out, for which, Application is allowed in terms of prayer clause (a).

4. Applicant to take steps to remove all office objections by end of this week, failing which, Appeal from Order be treated as dismissed for non-prosecution, without further reference to the Court.

5. If all office objections are removed in time, Appeal be registered and placed for admission as per its turn.

A.M.KHANWILKAR, J.